

# SENATE BILL 362

E4

11r0343  
CF HB 749

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By: **Senators Raskin and Ramirez**

Introduced and read first time: February 3, 2011

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – Division of Parole and Probation – Supervision Fee**

3 FOR the purpose of repealing a certain provision of law that authorizes the Parole  
4 Commission to revoke parole or mandatory supervision of a certain person who  
5 does not comply with a certain fee requirement; requiring the Department of  
6 Public Safety and Correctional Services and the appropriate local detention  
7 center, on the release of an individual supervised by the Division of Parole and  
8 Probation, to provide the individual with an oral and a written notice relating to  
9 the application for an exemption from a certain monthly supervision fee; and  
10 generally relating to providing information on exemption from fees paid by  
11 individuals supervised by the Division of Parole and Probation.

12 BY repealing and reenacting, with amendments,  
13 Article – Correctional Services  
14 Section 7–702  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2010 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Correctional Services**

20 7–702.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this section, "supervisee" means an individual supervised by the  
2 Division of Parole and Probation for the Commission.

3 (b) Unless a supervisee is exempted by the Commission under subsection (d)  
4 of this section, the Commission shall assess a monthly fee of \$40 as a condition of  
5 supervision for each supervisee.

6 (c) (1) The fee assessed under subsection (b) of this section shall be paid  
7 to the Division of Parole and Probation.

8 (2) The Division of Parole and Probation shall pay all money collected  
9 under this section into the General Fund of the State.

10 (d) The Commission may exempt a supervisee wholly or partly from the fee  
11 assessed under subsection (b) of this section if:

12 (1) the supervisee has diligently attempted but has been unable to  
13 obtain employment that provides sufficient income for the supervisee to pay the fee;

14 (2) (i) the supervisee is a student in a school, college, or university  
15 or is enrolled in a course of vocational or technical training designed to prepare the  
16 supervisee for gainful employment; and

17 (ii) the institution in which the supervisee is enrolled supplies  
18 certification of student status to the Commission;

19 (3) the supervisee has a disability that limits possible employment, as  
20 determined by a physical or psychological examination that the Commission accepts or  
21 orders;

22 (4) the supervisee is responsible for the support of dependents and the  
23 payment of the fee constitutes an undue hardship on the supervisee; or

24 (5) other extenuating circumstances exist.

25 (e) The fee assessed under subsection (b) of this section is in addition to court  
26 costs and fines.

27 (f) (1) If a supervisee does not comply with the fee requirement:

28 ~~(i)~~ the Division of Parole and Probation shall notify the  
29 Commission, ~~and~~

30 ~~(ii) the Commission may revoke parole or mandatory~~  
31 ~~supervision.~~

1           (2)    The Commission shall conduct a hearing to determine if there are  
2 sufficient grounds to find the supervisee in violation of the fee requirement.

3           (3)    At a hearing under this subsection, the Commission may consider:

4                   (i)    any material change in the supervisee's financial status;

5                   (ii)   good faith efforts of the supervisee to pay the fee; and

6                   (iii)  alternative means to assure payment of the fee before the  
7 period of supervision ends.

8           (g)    (1)    In addition to the fee assessed under subsection (b) of this section,  
9 the Division of Parole and Probation may require a supervisee to pay for drug or  
10 alcohol abuse testing that the Commission orders.

11           (2)    If a supervisee fails to pay for drug or alcohol abuse testing as  
12 required by the Division of Parole and Probation, the Commission may revoke parole  
13 or mandatory supervision.

14           (3)    If the Division of Parole and Probation determines that any of the  
15 criteria specified in subsection (d) of this section are applicable, the Division may  
16 exempt a supervisee wholly or partly from a payment for drug or alcohol abuse testing.

17           (h)    The Division of Parole and Probation shall:

18                   (1)    adopt guidelines for collecting the supervision fee;

19                   (2)    adopt guidelines for collecting the cost of drug and alcohol abuse  
20 testing; and

21                   (3)    investigate requests for an exemption from payment if the  
22 Commission requests an investigation.

23           (i)    The Division of Parole and Probation shall:

24                   (1)    keep records of all payments by each supervisee; and

25                   (2)    report delinquencies to the Commission.

26           **(J)    ON RELEASE OF A SUPERVISEE, THE DEPARTMENT AND THE**  
27 **APPROPRIATE LOCAL DETENTION CENTER SHALL PROVIDE THE SUPERVISEE**  
28 **WITH AN ORAL AND A WRITTEN NOTICE THAT:**

29                   **(1)    STATES THE CRITERIA LISTED IN SUBSECTION (D) OF THIS**  
30 **SECTION THAT THE COMMISSION MAY USE IN DETERMINING WHETHER TO**

1 EXEMPT A SUPERVISEE FROM THE SUPERVISION FEE ASSESSED UNDER  
2 SUBSECTION (B) OF THIS SECTION; AND

3 (2) EXPLAINS THE PROCESS OF APPLYING FOR AN EXEMPTION  
4 FROM THE SUPERVISION FEE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.